

Notice of Allowability	Application No.	Applicant(s)	
	10/618,158	OLLIS ET AL.	
	Examiner Christopher O. Onuaku	Art Unit 2616	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are 1-12.
3. The drawings filed on 11 July 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Allowable Subject Matter

1. Claims 1-12 are allowable over the prior art of record.
2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the invention relates to receiving and playing a broadcast program while listening to other content in a prestored format.

The closest references Kuroda (US 6,311, teaches a device for recording and playing data streams of audio, video and related information, including a device for displaying electronic program guide (EPG), and Morrison et al (US 6,591,292) teach a method and interface for incorporating program information into an electronic message, and for receiving such program information by an electronic message and/or implementing, based on the received program information, a corresponding program.

However, Kuroda and Morrison et al fail to explicitly teach a computer-implemented method of selectively recording and playing the content of a broadcast program, where the method comprises determining whether a predetermined criteria associated with the broadcast program is met, and if the predetermined criteria is met, automatically recording at least a portion of content of the broadcast program, and at the end of playing the prestored file, automatically playing the recorded content of the broadcast program on the media player.

Regarding claim 7, the invention relates to receiving and playing a broadcast program while listening to other content in a prestored format.

The closest references Kuroda (US 6,311, teaches a device for recording and playing data streams of audio, video and related information, including a device for displaying electronic program guide (EPG), and Morrison et al (US 6,591,292) teach a method and interface for incorporating program information into an electronic message, and for receiving such program information by an electronic message and/or implementing, based on the received program information, a corresponding program.

However, Kuroda and Morrison et al fail to explicitly teach a computer-implemented method of selectively recording and playing the content of a broadcast program, where the method comprises determining whether a predetermined criteria associated with the broadcast program is met, and if the predetermined criteria is met, automatically interrupting the playing of the one prestored file and playing the recorded content of the broadcast program on the media player.

Regarding claim 10, the invention relates to receiving and playing a broadcast program while listening to other content in a prestored format.

The closest references Kuroda (US 6,311, teaches a device for recording and playing data streams of audio, video and related information, including a device for displaying electronic program guide (EPG), and Morrison et al (US 6,591,292) teach a method and interface for incorporating program information into an electronic message, and for receiving such program

information by an electronic message and/or implementing, based on the received program information, a corresponding program.

However, Kuroda and Morrison et al fail to explicitly teach a computer-implemented method of selectively recording and playing the content of a broadcast program, where the method comprises determining whether to automatically interrupt the playing of the one prestored file in order to play recorded content of the broadcast program on the media player, or automatically play the recorded content of the broadcast program on the media player after the end of playing the one prestored file.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chernock et al (US 6,813,776) teach viewing, listening, and downloading data in a multimedia program, including a system and method for enabling scheduling of a future viewing, listening, and data downloading event based on information presented in a current multimedia program.

Stautner et al (US 6,600,503) teach a novel system and methodology for providing information with respect to electronic entertainment, including an information program content guide which provides for related services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[Signature]
COO

11/12/04

[Signature]
THAI TRAN
PRIMARY EXAMINER